

REMARKS

The office action of December 17, 2007, has been carefully considered.

It is noted that claims 4 and 6 are objected to for containing various informalities.

Claims 1, 2 and 4-7 are rejected under 35 U.S.C. 112, second paragraph.

Claims 1, 2 and 4-7 are rejected under 35 U.S.C. 102(b) over WO 00/49072 to Barsotti.

Claims 1, 2 and 4-7 are rejected under 35 U.S.C. 102(b) over the patent to Touhsaent et al.

In view of the Examiner's objection to and rejections of the claims, applicant has canceled claims 4 and 6, and amended claim 1.

Applicant has amended claim 4 and canceled claim 6. With these changes it is respectfully submitted that the objections to

these claims are overcome and should be withdrawn.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to address the instances of indefiniteness pointed out by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claims 1, 2 and 4-7 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references and particularly to Barsotti, it can be seen that this reference discloses a plastic container for carbonated alcoholic beverages, on the outer or inner surface of which container a two-layered laminate coating is provided. The laminate coating is formed of an inner layer made of, for example, montmorillonite with a layer thickness of generally 20 μm , but 3 to 4 μm is also possible. The laminate coating also has an outer

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polymer layer in the form of an organic solution with a layer thickness of $\leq 12 \mu\text{m}$. On page 27 the thickness of the outer polymer layer is given as 0.3 mil. According to the Examiner (on page 4 of the Office Action) this amount corresponds to 0.00762 mm or 7.62 μm . The layer thicknesses disclosed by Barsotti thus are far outside the range of thickness given in the presently claimed invention. Additionally, Barsotti discloses a double layered coating, whereas the presently claimed invention is a single layer.

In view of these considerations it is respectfully submitted that the rejection of claims 1, 2 and 4-7 under 35 U.S.C. 102(b) over the above-discussed reference is overcome and should be withdrawn.

The patent to Touhsaent et al. discloses a metallized multilayer packaging film made of a plurality of individual layers of different composition stacked on a base layer. This film is then metallized on an outer surface and provided with a sealable coating, during which the outer surface after the base coating has a polymer coating of 3 gauge (see col. 11, lines 20-23). 3 gauge corresponds to 3/100 mil, which equals 0.8 μm . Thus, Touhsaent et al. do not disclose a coating thickness as in the presently

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claimed invention. Furthermore, Touhsaent et al. can be considered to not coat a container, but instead to coat a foil.

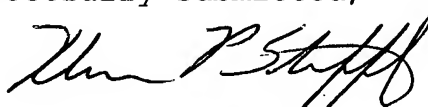
In view of these considerations it is respectfully submitted that the rejection of claims 1, 2 and 4-7 under 35 U.S.C. 102(b) over the above-discussed reference is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on March 17, 2008.

By: 
Klaus P. Stoffel

Date: March 17, 2008